

## WATER COUNCIL MEETING

NH Dept. of Environmental Services  
29 Hazen Dr., Concord, N.H.

October 10, 2012  
9:00 a.m.

**Members present:** Chairman Gilbert, Councilors Butler, Gosse, Henderson, Hoyt, Lyons  
Rastallis, Rawnsley, and Varotsis

**Members absent:** Councilors Hinds

Chairman Gilbert called the meeting to order at 9:00 a.m.

### 1. Approval of Minutes of the August 8, 2012 Meeting

- *Motion made by Councilor Varotsis to approve the minutes, second by Councilor Butler. Motion passed unanimously.*

### 2. Status of Appeals

Appeals Clerk, Paula Scott, presented an update on the following appeals:

#### I. New Appeals

#### II. Decision and Orders that need to be written finalized and issued.

##### **Docket No. 11-08 WC David Reilly, et al.**

Re: Lake Waukewan Final Operating Level

Presiding Officer: David Conley assigned on 1/19/12

Recused: Carol Henderson

Status: Hearing scheduled for February 8, 2012 at 9 a.m. per Pre-Hearing Order (PHO). Nov. 16, 2011 received Assented-to Motion for a Continuance. New hearing date set for April 11, 2012 at 9 a.m., notice given in Decision dated Nov. 28, 2011. January 25, 2012 received a Fully Assented-To Motion for Interim Deadline Extension. Feb. 16, 2012 received Appellants' expert Disclosure. Motion for Interim Deadline Extension was granted & issued on Feb. 17, 2012. Hearing was held April 11, 2012. Deliberations were not held on May 9, 2012 as one of the council members was not able to participate; deliberations were held on June 13, 2012. Hearing Officer has 90 days to issue order. Council to review draft Order. The Council accepted the draft Order as written at the August 8, 2012 meeting. Final Decision and Order on Appeal was issued on August 8, 2012.

#### III. Hearings or PHCs Pending

##### **Dockets No. 09-05 & 12-01 WC – Dalton Valley Drag, LLC and David Sundman, et al.**

Re: 12/19/11 Alteration of Terrain Permit No. AoT-0353 for Dalton Valley Drag

Hearing Officer: David Conley assigned on 2/9/12

Status: Received appeal that appears to be timely on January 18, 2012. Issued receipt of appeal letter on January 20, 2012. Council accepted the appeal Feb. 8, 2012, notice was issued Feb. 9, 2012. Pre-Hearing Conference (PHC) is scheduled for Apr. 16, 2012 at 1 p.m., notice sent 3/13/12. Mar. 20, 2012 received Motion to Continue PHC. Mar. 26, 2012, Motion was granted. Rescheduled PHC for May 2, 2012 at 9 a.m. At the Council's 4/11/12 meeting, the Council voted to consolidate appeal Docket Nos. 09-05 WC – North Country Alliance for

Balanced Changed and 12-01 WC David Sundman, et al. Notice of the consolidated appeals and PHC were issued April 12, 2012. PHC was held on 5/2/12, a second PHC is scheduled for Aug. 27, 2012 @ 9 a.m., and a hearing is scheduled for Sept. 12, 2012 @ 10 a.m. Notice given 5/2/12 via PHO. August 8, 2012 the Water Council requested that the hearing scheduled for September 12, 2012 to begin at 8:30 a.m. instead. 8/23/12 received Appellant's Partially Assented-To Motion to Continue Hearing and PHC; Appellant North Country ABC's Motion for Partial Summary Judgement; and Appellant North Country's ABC's Memorandum in Support of Motion for Partial Summary Judgement. 8/27/12 received Stipulation to Dismissal of Appeal of Permit WPS-8289A. 8/30/12 Order regarding Dismissal of Appeal by agreement was issued. In accordance with the dismissal. Docket No. 09-05 WC Dalton Valley Drag, LLC is withdrawn from the Council's docket. September 4, 2012 received Status Update from the Department regarding Docket No. 12-01 WC.

**Docket No. 12-05 WC Fillmore Industries**

RE: Feb. 14, 2012 Administrative Order No. 12-005 WD

Presiding Officer: Not Assigned. Requested Hearing Officer on 4/13/12

Status: Appeal was filed on Mar. 15, 2012. Receipt of Appeal letter was issued on 3/15/12.

Mar.13, 2012 appeal accepted letter was issued. PHC is scheduled for June 20, 2012 at 9 a.m., notice issued May 30, 2012. June 14, 2012 received Assented-To Motion to Continue PHC. June 15, 2012 Hearing Officer granted Motion to Continue. PHC rescheduled and held September 17, 2012 at 2 p.m.; parties to submit status report by October 17, 2012. Hearing scheduled for March 13, 2013 at 9 a.m., notice given by PHO. September 25, 2012 received Withdrawal of Appearance by Linda Magoon, received Appearance from Gretchen Hamel and received Motion to Dismiss. October 1, 2012 received an Appearance for Atty. Mark Rouvalis and Appellant's Objection to State's Motion to Dismiss. HO to rule on Motion and Objection.

**IV. Inactive/Status Letter or Pending Settlement/Withdrawal**

**Docket No. 11-05 WC – Town of Hooksett and Hooksett Sewer Commission**

RE: 3/21/11 Administrative Order, Administrative Order No. 11-010 WD

Presiding Officer: Not Assigned

Recused: Christopher Rawnsley

Status: On May 11, 2011 the Council voted unanimously to accept appeal. The Town and DES continue to be engaged in discussion to resolve this matter. Both the Town and DES request that the Council continue to delay taking action on the Notice of Appeal. Sent request for status on June 14, 2012 asking for a response by July 11, 2012. June 22, 2012 received status report from appellant. Currently efforts are under way to implement a solution to the problems experienced that led to the issuance of the Administrative Order.

**3. New Business**

The New Assistant Commissioner, Vicki Quiram was introduced and she shared her background.

**4. Other Business**

Water Sustainability Commission Update – Chairman Gilbert reported the commission is in the final stages of the work they have done. 7 strategic goals were set with recommendations for action.

Councilor Butler noted the Natural Resource Studies could be of benefit for the Commission.

**5. Next Meeting**

November 14, 2012 at 9:00 a.m.

**6. Adjournment**

- ***Councilor Varotsis made a motion to adjourn, second by Councilor Lyons.  
Motion passed unanimously.***

Meeting was adjourned at 9:45 a.m.